

A G E N D A

General Plan/LCP Implementation Committee

February 14, 2007

3:30 p.m.

City Council Chambers

1. Review and approval of Committee Meeting Schedule for 2007
Attachment 1 3:30-3:35
2. Review and recommendation to City Council on draft Ordinance
Amending Municipal Code Regarding Development Agreements
Attachments 2, 3 and 4 3:35-4:15
3. Review and direction to staff on public participation program
Attachment 5 4:15-4:30
4. Update and Status Report on RFP for Zoning Code rewrite
4:30-4:40
5. Items for Future Agenda
4:40-4:45
6. Public Comments on non-agenda items
4:45-5:00

Attachment No. 1



CITY OF NEWPORT BEACH GENERAL PLAN/LCP IMPLEMENTATION COMMITTEE

2007 MEETING DATES

UNLESS OTHERWISE NOTED, MEETS EVERY OTHER WEDNESDAY
3:30 PM – CITY COUNCIL CHAMBERS

January 31

February 14

February 28

March 14

March 28

April 11

April 25

May 9

May 23

June 6

June 20

July 5

July 18

August 1

August 15

August 29

September 12

September 26

October 10

October 24

November 7

November 20

December 5

December 19

Attachment Nos. 2,3 & 4



CITY OF NEWPORT BEACH

MEMORANDUM

TO: General Plan/LCP Implementation Committee

FROM: Sharon Wood, Assistant City Manager

DATE: February 9, 2007

RE: Draft Ordinance Regarding Development Agreements

Attached is a draft ordinance amending the Municipal Code to require development agreements in certain cases.

On the advice of the City Attorney, the requirement for a development agreement would apply only when a General Plan amendment, Zoning amendment or other legislative act is required for the project, because these are the cases when the City has the most discretion to approve or disapprove a project. The Committee should understand that this provision could eliminate some development agreement requirements after the City completes the Zoning Code rewrite. The City Attorney and I believe this is a reasonable trade-off for an ordinance that is more legally defensible.

With applicability of the development agreement requirement limited to projects with legislative acts, I did not include the exception provision for remodeling projects that do not add floor area, which the Committee added at the last meeting. Projects like this are not likely to require zoning changes, and will automatically be exempt from development agreement requirements.

In addition, I have revised the categories of projects requiring development agreements based on the Committee's discussion at the previous meeting, and after a more thorough review of changes in development allowed by the updated General Plan in various geographic areas. The draft ordinance includes bracketed notes, in italics, which provide the Committee with an explanation of the projects or areas that would be included in the categories. (These notes are only for the Committee's information, and are not intended to be part of the ordinance.) I am also attaching a table that summarizes the General Plan changes for each area or project, gives staff's recommendation on requiring a development agreement, and provides some comments that explain my thinking and provide more information for the Committee to consider in developing your recommendations to the City Council.

DRAFT

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF NEWPORT BEACH AMENDING CHAPTER 15.45 OF THE NEWPORT BEACH MUNICIPAL CODE REGARDING DEVELOPMENT AGREEMENTS

WHEREAS, the City Council of the City of Newport Beach adopted Ordinance No. 82-30, adding Chapter 15.45 Development Agreements to the Newport Beach Municipal Code; and

WHEREAS, the City Council approved a comprehensive update to the Newport Beach General Plan on July 25, 2006, which update was approved by the voters, pursuant to Charter Section 423, on November 7, 2006; and

WHEREAS, the General Plan allows new land uses and more development than had previously been allowed on some properties; and

WHEREAS, the City Council recognizes that much of the additional development will require future legislative changes to the Zoning Code and Coastal Land Use Plan. The City Council wishes to provide the ability for development allowed in the General Plan and approved by the voters to be implemented gradually and thoughtfully over an extended period of time, to provide developers with certainty regarding development impact fees, and to provide a mechanism for developers who benefit from these protections and the increased development opportunities to provide additional public benefits to support implementation of the General Plan;

NOW, THEREFORE, City Council of the City of Newport Beach hereby ordains as follows:

SECTION 1: Chapter 15.45 Development Agreements of the Newport Beach Municipal Code is hereby amended to add a new Section 15.45.020, as follows, and to renumber subsequent sections as 15.45.030 Application and Fees through 15.45.100 Recordation.

15.45. 020 Development Agreement Required

- A. Development Agreements shall be required in conjunction with City approval of development projects that require a General Plan amendment, Zoning Code amendment or other legislative act and that have one or more of the following characteristics:
1. Require a Development Agreement per General Plan policy.
 2. Include the development of fifty (50) or more residential units. *[Larger West Newport Mesa projects, Lido Village MU area, Lido Peninsula, Airport Area replacement projects, but not Lido Village RM area]*

3. Include residential development in the Mariners' Mile corridor, as this geographic area is described in the General Plan Land Use Element. *[Bayfront mixed use and inland residential]*
4. Include new non-residential development in Statistical Area L1 (Newport Center), Statistical Area L-3, or Statistical Area L-4 (Airport Area). *[Newport Center hotel, Fashion Island retail, MacArthur Boulevard Caltrans parcel, Airport Area non-residential area that requires Zoning or PC amendment]*

B. The City Council may waive the requirement for a Development Agreement if it finds that the legislative act is of a minor nature, or the size of the project is such that neither the City nor the developer would benefit from a Development Agreement.

SECTION 2: If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 3: The Mayor shall sign and the City Clerk shall attest to the passage of this ordinance. The City Clerk shall cause the same to be published once in the official newspaper of the City, and it shall be effective thirty (30) days after its adoption.

SECTION 4: This ordinance was introduced at a regular meeting of the City Council of the City of Newport Beach, held on the ____ day of _____, 2007, and adopted on the ____ day of _____, 2007, by the following vote, to wit:

AYES, COUNCIL MEMBERS _____

NOES, COUNCIL MEMBERS _____

ABSENT COUNCIL MEMBERS _____

MAYOR

ATTEST:

CITY CLERK

Area/ Project	Change in D.U.s	Change in Floor Area	Staff Rec.	Comments
Banning Ranch	- 1,350	- 300,000	Yes	Large development of vacant land; issues re: open space preservation, park facilities, traffic, oil operations, jurisdiction
West Newport Mesa	+ 162	- 274,000	No	Traffic problems, but density/intensity reductions were made for that reason. GP calls for incentives for marine uses.
Hoag Health Center			No	Reduction in overall floor area
Lido Village	+ 117		Yes	+ 40 d.u.s in RM and + 77 d.u.s in MU, and 156 d.u.s on Lido Peninsula--same as old GP. Suggest 50 d.u. threshold.
Balboa Peninsula remainder	+ 52	- 27,000	No	Too few units on too many small properties
Newport Center residential	+ 450		Yes	General Plan policy
Newport Center non-residential		+ 75,000 + 65 hotel rooms	Yes	New entitlement requiring PC amendment
Newport Center TDR	0	0	No	No new entitlement, and must be done without traffic increase
Airport Area additive residential	+ 550	0	Yes	General Plan policy
Airport Area replacement residential	+ 1,650	- 430,000	Maybe	Entitlement to new use, but offset by non-residential reductions and better traffic performance. GP includes park requirements and detailed planning. Areawide infrastructure fee being developed.
Airport Area non-residential		- 430,000	Maybe	Little change from old GP. Areawide infrastructure fee being developed. DA for Zoning/PC amendments only.
Campus Tract (AO)			No	Only "new" uses are auto rental, sales and service (permitted with use permit as ancillary in current Zoning). Auto rental probably couldn't provide much extra public benefit, and City is usually asked to assist auto dealers. City wants to encourage redevelopment in this area.
West Newport Highway	+ 12	- 6,500	No	Very little change on small parcels
Old Newport Boulevard	- 211	0	No	Reduction from old GP
Mariners' Mile	+ 329	- 13,000	Yes	Entitlement to new use. Residential numbers are small on bayfront (5-13 d.u.s per property), but projects could contribute to Coast highway widening and bayfront walkway.
Corona del Mar	0	+ 257,000	No	Large projects unlikely. Additional floor area is to accommodate existing non-conforming buildings.
MacArthur Blvd Caltrans parcel	0	+ 98,000	Yes	New entitlement; issues with acquisition from Caltrans, access and coordination with Irvine.

Attachment No. 5

GENERAL PLAN/LCP IMPLEMENTATION PUBLIC WORKSHOP OUTLINE

- Quarterly public workshops
- Saturday mornings OR weekday evenings
- Weeks of April 16, July 16, October 15, and prior to Planning Commission hearings on Zoning Code (If in November, omit October workshop)

April

Topics

- Scope and consultant for Zoning Code
- CLUP amendment
- Economic Development Strategic Plan (depending on City Council direction on February 27)
- Water quality and run-off reduction

Format

- Presentations and Q&A with all participants on each topic
OR
- Small group discussions by topic

July

Topics

- Zoning issues
- Affordable Housing Ordinance
- Banning Ranch Pre-Annexation Agreement (depending on progress with LAFCO and Costa Mesa)
- Traffic Signal Master Plan
- Fair Share Fee
- Water quality and run-off reduction

Format

- Small group discussions by topics:
 - Zoning and affordable housing (or omit affordable housing)
 - Banning and water quality
 - Traffic signal and Fair Share Fee

October/November

Topics

- Zoning issues

Format

- Small group discussions by issue